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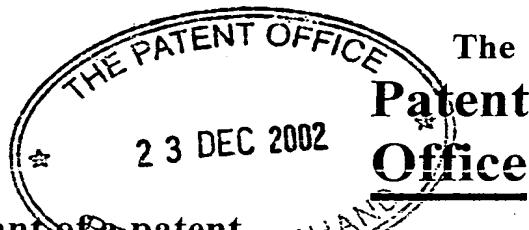
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1. Your reference

P510910GB/48724

2. Patent application number

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0230055.63. Full name, address and postcode of the or of each applicant (*underline all surnames*)

23 DEC 2002
Gyrus Medical Limited
Fortran Road
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Patents ADP number (*if you know it*)**05809116003**

If the applicant is a corporate body, give the country/state of its incorporation

United Kingdom

4. Title of the invention

Electrosurgical Method and Apparatus

5. Name of your agent (*if you have one*)

"Address for service" in the United Kingdom to which all correspondence should be sent
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Patents ADP number (*if you know it*)**1776001**6. If you are declaring priority from one or more earlier patent applications, give the country and the date of filing of the or each of these earlier applications and (*if you know it*) the or each application number

Country

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(*if you know it*)Date of filing
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Number of earlier application

Date of filing
(day / month / year)8. Is a statement of inventorship and of right to grant of a patent required in support of this request? (*Answer 'Yes' if:*

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- b) there is an inventor who is not named as an applicant, or
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Continuation sheets of this form

Description	9
Claim(s)	3
Abstract	1
Drawing (s)	3

43

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Priority documents

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Statement of inventorship and right to grant of a patent (Patents Form 7/77)

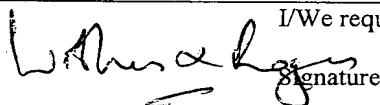
Request for preliminary examination and search (Patents Form 9/77)

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11.

I/We request the grant of a patent on the basis of this application.



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Date 28/12/2002

12. Name and daytime telephone number of person to contact in the United Kingdom

W M Blatchford

020 7663 3500

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DUPLICATE

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Electrosurgical Method and Apparatus

This invention relates to an electrosurgical system comprising an electrosurgical generator and a handpiece including electrosurgical electrodes. In particular, this invention
5 is directed to electrosurgical systems capable of forming a lesion in body tissue, as is known for the treatment of various medical conditions including airway obstructions and sleep apnea.

It is well known in the field of electrosurgery that there are two distinct tissue effects which can be achieved by RF, depending on the temperature to which the tissue is raised.
10 The first is the removal of tissue by vaporisation, in which the electrode or electrodes are subjected to relatively high temperatures (typically over 1000°C). The second is the production of tissue necrosis without the removal of tissue in situ, and it is to this second type of system to which the present invention is directed.

US Patent No. 5,843,021 discloses a typical example of this type of treatment, in which
15 a probe including a tissue treatment electrode is placed in contact with body tissue, and an RF signal is supplied to the probe such that the electrode heats the tissue causing cell necrosis and forming a lesion. The lesion is subsequently absorbed by the body with the result that tissue shrinkage is seen to occur. This type of treatment has been successfully performed for a number of years, and is known as "Somnoplasty".

20 It is well known that to produce a lesion the temperature of the tissue should be kept below 100°C. Temperatures above 100°C are known to cause charring and desiccation of the tissue (which can be undesirable as the desiccated tissue is unable to absorb any further RF energy). The prior art teaches that temperatures in the range of 80°C to 100°C are typical for this type of apparatus. Examples of prior art patents teaching temperatures in
25 this range are US 6,126,657; US 4,411,266, US 5,549,644, US 5,456,682 and US

6,056,745. As can be seen from these and any many other prior art documents, the instruction to maintain the temperature below 100°C is well established. For example in US 4,411,266 it is stated "any non-uniform hot spots must be monitored to prevent runaway flash heating to the boiling point of 100°C." US 6,056,745 states "The maximum 5 temperature condition T_{sub.MAX} lies within a range of temperatures which are high enough to provide deep and wide lesions (typically between about 90°C and 98°C), but which are safely below about 100°C, at which tissue desiccation or tissue boiling is known to occur." As can be seen, the direction to maintain the probe temperature below 100°C is seen as an essential requirement for successful lesion generation.

10 The problem with this requirement to maintain the probe temperature below 100°C is that this can lead to a relatively slow process, requiring anything up to several minutes of treatment time in order to generate the lesion. Unless the control of the energy delivered to the probe is exceptional, the safest way to ensure that the probe temperature does not under any circumstances exceed 100°C is to drive the device such that its normal operating is 15 well below 100°C. Many devices operate at temperatures of between 80°C and 85°C (see US 4,411,266 for example), which can lead to even longer treatment times. The present invention seeks to provide a lesion generation system which can produce effective lesions using considerably reduced treatment times.

20 The present invention is based on the surprising discovery that probe temperatures of slightly higher than 100°C can produce effective lesions without producing the expected charring and desiccation of the tissue. As stated above, this is contrary to what has been a widespread prejudice against this practice in the field over many years. Accordingly, there is provided apparatus for forming a lesion in body tissue, the apparatus comprising;

- i) a probe adapted to contact body tissue, and having at least one electrode,
- 25 ii) at least one temperature sensor capable of measuring the temperature of the probe and generating signals representative of the said temperature,

iii) a controller comprising,

- a) generation means for generating electromagnetic energy and supplying said energy to the at least one electrode, and
- b) control means for receiving the signals from the at least one temperature sensor and controlling the generation means such that the temperature of the probe is ramped up and then maintained in a steady state phase at between 100°C and 110°C.

The explanation for this surprising discovery is not fully understood, but is believed to be based on the phenomenon that the heating of the tissue causes an increase in the concentration of the electrolyte in the tissue in the region of the probe. This causes the boiling point of the electrolyte to be increased, with the result that temperatures of up to 110°C can be reached without causing charring or significant desiccation of the tissue. This increase in temperature has a considerable effect on treatment time, and it has been found that an acceptable lesion can be produced in around 60 seconds, as opposed to treatment times of 4 to 5 minutes with probes operated at only 85°C.

In a preferred arrangement, the control means is adapted to control the generation means such that there is an equilibration phase between the ramp-up phase and the steady state phase. In this equilibration phase, the temperature of the probe is held substantially constant for a period of time at an equilibration temperature to allow the temperature of different parts of the probe to equilibrate. After the equilibration phase the temperature of the probe is raised to its final steady state operating temperature of between 100°C and 110°C. The equilibration temperature is preferably between 90°C and 105°C, and is typically substantially 100°C. This equilibration phase ensures that all parts of the probe are substantially at the same temperature, and eliminates "hot spots" which are actually at a higher temperature than that detected by the at least one temperature sensor. This equilibration process provides improved temperature control of the probe, and allows temperatures of between 100°C and 110°C to be used without the risk that some parts of

the probe may be hot enough to cause charring of tissue.

The invention also resides in a method of forming a lesion in body tissue comprising the steps of providing a probe capable of contacting body tissue to be treated, delivering electromagnetic energy to the probe such as to raise the temperature of the tissue in contact with the probe, measuring the temperature of the probe, and controlling the delivery of the electromagnetic energy such that the temperature of the probe is maintained at between 100°C and 110°C. According to a preferred arrangement the method comprises the steps of providing a probe capable of contacting body tissue to be treated, delivering electromagnetic energy to the probe such as to raise the temperature of the tissue in contact with the probe, measuring the temperature of the probe, and controlling the delivery of the electromagnetic energy such that

a) in an initial ramp-up phase, the temperature of the probe is raised rapidly to a first threshold temperature,

b) in a second equilibrating phase, the temperature of the probe is held substantially constant for a period of time to allow the temperature of different parts of the probe to equilibrate, and

c) in a subsequent treatment phase, the temperature of the probe is raised to a second, higher threshold temperature such that a lesion is formed in the tissue adjacent the probe without the complete removal of electrolytes in the tissue adjacent the probe though vaporisation.

As stated previously, the first threshold temperature is preferably between 90°C and 105°C, and typically substantially 100°C. In one convenient arrangement the equilibrating phase takes place for a predetermined period of time, or alternatively takes place until a predetermined time from the start of the ramp-up phase. The second threshold temperature is conveniently between 105°C and 115°C, and preferably substantially 110°C.

The invention will now be further described, by way of example only, with reference to

the accompanying drawings, in which:-

Figure 1 is a schematic diagram of an electrosurgical system in accordance with the present invention,

Figures 2 and 3 are schematic sectional views of the probe of Figure 1, shown
5 generating a lesion in the tongue of a patient,

Figure 4 is a graph of temperature against time, for a typical prior art lesion generation device, and

Figure 5 is a graph of temperature against time, for a lesion generation device in accordance with the present invention.

10 Figure 1 shows the apparatus for a typical embodiment of an RF electrosurgical device for forming lesions in body tissue. The system comprises a controller 100 (including an RF power supply) with a user input and display panel 102. Also provided are a foot switch 104, an electrical grounding pad 110 and a probe 10 including a surgical handpiece 12 with a surgical electrode 14. The user input allows the user to input different parameters to
15 affect lesion size, including treatment duration, and total energy delivery.

The controller 100 converts the low frequency electrical energy supplied by a wall connection (not shown) into the high frequency or RF energy necessary for surgery. The user input and display panel 102 displays relevant parameters and provides buttons and switches for user input to the control systems. The foot switch 104 connected to the
20 controller provides means for switching the unit on and off. The surgical handpiece 12 is also connected to the controller and is the means for delivering the RF energy to the surgical electrode 14. The electrical grounding pad 110 is also connected to the controller and floats at a reference electric potential. Other embodiments of this invention have no electrical grounding pad.

25 Referring now to Figures 2 and 3, the probe 10 is shown being used to reduce a volume of a selected site in an interior of a head and neck structure, and more particularly to a

structure that is associated with an airway passage. Suitable anatomical structures include but are not limited to the tongue, uvula, soft palate tissue, tonsils, adenoids, turbinate structures and the like. In Figures 2 and 3, probe 10 is shown as including a handpiece 12 coupled to an electrode 14. Handpiece 12 can be a proximal portion of electrode 14 that is 5 suitable configured to enable placement and removal of probe to and from a selected anatomical structure and may include, in one embodiment, a proximal portion of electrode 12 that is insulated. Handpiece 12 and electrode 14 are sized and of a suitable geometry to be maneuverable in an oral cavity 16, pierce a tongue surface 18 and advance into an interior 20 of a tongue 22 a sufficient distance 24 to a tissue site 26. Electromagnetic 10 energy is delivered to tissue site 26 to create cell necrosis at zone 28 without damaging a main branch of the hypoglossal nerve. A cable 30 is coupled to the electrode 14. For purposes of this disclosure, the main branches of the hypoglossal nerve are those branches which if damaged create an impairment, either partial or full, of speech or swallowing capabilities. Following the treatment, the treated structure of tongue 22 is repositioned in 15 oral cavity 16. With this cell necrosis, the back of the tongue 22 moves in a forward direction away from the air passageway. The result is an increase in the cross-sectional diameter of the air passageway.

Handle 12 is preferably made of an electrical and thermal insulating material. Electrode 14 can be made of a conductive material such as stainless steel. Additionally, 20 electrode 14 can be made of a shaped memory metal, such as nickel titanium, commercially available from Raychem Corporation, Menlo Park, Calif. In one embodiment, only a distal end of electrode 14 is made of the shaped memory metal in order to effect a desired deflection.

Probe 10 can include visualization capability including but not limited to a viewing 25 scope, an expanded eyepiece, fiber optics, video imaging, and the like.

Electrode 14 can include an insulator 32 which can be adjustable in length and in a surrounding relationship to an exterior surface of electrode 14. Insulator 32 serves as a barrier to thermal or RF energy flow. Insulator 32 can be in the form of a sleeve that may

be adjustably positioned at the exterior of electrode 14. In one embodiment insulator 32 can be made of a polyamide material and be a 0.002 inch shrink wrap. The polyamide insulating layer is semi-rigid.

Handpiece 12 can have a reduced diameter at a distal portion 34 to facilitate 5 positioning, maneuverability, provide easier access to smaller openings and improve the visibility in the area where electrode 14 is to penetrate.

To use probe 10 in oral cavity 16, a topical and then a local anesthetic is applied to tongue 22. After a suitable period for the anesthesia to take effect, the physician may grasp the body of tongue 22 near the apex, using a gauze pad for a better grip. Tongue 22 is then 10 drawn forward, bringing the body and the root of tongue 22 further forward for improved accessibility. Grasping handpiece 12, the physician positions a distal portion of electrode 14 at tongue surface 18. The position of electrode 14 in Figs. 2 & 3, illustrates cell necrosis zone 28 below a mucosal surface 36 providing a protected zone 38. An insulated portion 40 of electrode 14 prevents delivery of energy to a main branch of a hypoglossal 15 nerve and/or to mucosal surface 36.

Electrode 14 can have an angle 42 at a bend zone 44 which is lateral to a longitudinal axis of handpiece 12. Electrode 14 can be malleable to create different bend zones, depending on the anatomical structure and the insertion position of the anatomical structure. With the use of a bending fixture, not shown, the arc of angle 42 can be adjusted 20 by the physician as needed at the time of treatment.

It will be appreciated that although the term "electrode" in the specification generally means an energy delivery device including but not limited to resistive heating, RF, microwave, and ultrasound. The preferred energy source is an RF source and electrode 14 is an RF electrode operated in either bipolar or monopolar mode with a ground pad 25 electrode. In a monopolar mode of delivering RF energy, a single electrode 14 is used in combination with an indifferent electrode patch that is applied to the body to form the other contact and complete an electrical circuit. Bipolar operation is possible when two or more

electrodes 14 are used. Multiple electrodes 14 may be used.

When the energy source is RF, an RF energy source may have multiple channels, delivering separately modulated power to each electrode 14. This separate modulation reduces preferential heating that occurs when more energy is delivered to a zone of greater 5 conductivity and less heating occurs around electrodes 14 which are placed into less conductive tissue. If the tissue hydration or blood infusion in the tissue is uniform, a single channel RF energy source may be used to provide power for the treatment and cell necrosis zones are relatively uniform in size.

One or more sensors 46 are included and positioned at a distal end of electrode 14, at a 10 distal end of insulator 32, as well as at other positions of probe 10. Sensor 46 is of conventional design, including but not limited to thermistors, thermocouples, resistive wires, and the like. A suitable sensor 46 is a T type thermocouple with copper constantan, J type, E type, K type, fiber optics, resistive wires, thermocouple IR detectors, and the like.

Figure 4 shows a schematic graph of the temperature profile of a typical prior art 15 device. The sensors 46 feed back temperature readings to the controller 100 which compares the readings with a set point temperature T_s . This set point temperature may be 100°C, or depending on the nature of the control system, it may be less than 100°C, typically 85°C. The controller 100 compares the temperature detected by the sensors 46 with the set point temperature, and also takes into account the rate of change of the 20 detected temperature since the previous reading. The controller 100 adjusts the RF power delivered to the electrode 14 in accordance with these calculations. Readings are taken and adjustments are made on a repeated basis, typically once per second. US Patent No. 5,057,105 describes one such temperature control technique in more detail.

Figure 5 is a typical temperature profile in accordance with the apparatus and method 25 of the present invention. The controller 100 supplies a relatively high power RF signal to the electrode 14 (typically around 10 W) such that the temperature of the probe 10 rises quickly. Temperature readings are taken every 60 ms. When the sensors 46 detect that the temperature of the probe 10 has reached a first threshold temperature T_1 (typically 100°C),

the controller reduces the power of the RF signal supplied to the electrode 14 to a relatively lower level (typically around 3 W). This is sufficient to hold the temperature of the probe at a constant temperature for a certain period of time, as shown at 50 in Fig. 5. This period of time is sufficient for the temperature of the probe to equilibrate, and become uniform over all parts of the probe 10. The equilibration period can be a predetermined period of time, as shown at t_1 in Fig. 5 (in which the equilibration period is a fixed period of, e.g., 10 seconds). Alternatively, the equilibration period can subsist until a predetermined period of time has elapsed from the start of the process, as shown at t_2 in Fig. 5. (in which the equilibration period lasts until a period of, e.g., 15 seconds from the start of the process).

Following the equilibration period, the higher power RF signal is resumed so that the temperature of the probe 10 continues to rise, until it reaches a second threshold temperature T_2 . This second threshold temperature is above 100°C, and is typically 110°C. The controller 100 thereafter supplies sufficient power to the electrode 14 to maintain the probe substantially at the second threshold temperature for the remainder of the procedure, until the user proscribed treatment duration has elapsed, the required energy has been delivered, or until the footswitch is activated to switch off the RF signal and end the treatment process.

It has been found that the use of this higher treatment temperature, together with the added improvement in temperature control provided by the equilibration of the probe, has produced lesions comparable in size with those produced by the prior art devices, but with a greatly reduced treatment time and delivered energy. A typical prior art lesion generation device produces an acceptable lesion in around 4 to 5 minutes. The device of the present invention has been found to produce a lesion which is 70% of the size of the prior art lesion in only 60 seconds, and with only 40% of the delivered energy of the prior art system.

Claims

1. Apparatus for forming a lesion in body tissue, the apparatus comprising:
 - i) a probe adapted to contact body tissue, and having at least one electrode,
 - 5 ii) at least one temperature sensor capable of measuring the temperature of the probe and generating signals representative of the said temperature,
 - iii) a controller comprising,
 - a) generation means for generating electromagnetic energy and supplying said energy to the at least one electrode, and
 - 10 b) control means for receiving the signals from the at least one temperature sensor and controlling the generation means such that the temperature of the probe is ramped up and then maintained in a steady state phase at between 100°C and 110°C.
2. Apparatus according to claim 1, wherein there is provided control means adapted to
15 control the generation means such that in an equilibration phase between the ramp-up phase and the steady state phase the temperature of the probe is held substantially constant for a period of time at an equilibration temperature to allow the temperature of different parts of the probe to equilibrate.
3. Apparatus according to claim 2, wherein the equilibration temperature is between
20 90°C and 105°C.
4. Apparatus according to claim 3, wherein the equilibration temperature is substantially 100°C.
5. A method of forming a lesion in body tissue comprising the steps of providing a probe capable of contacting body tissue to be treated, delivering electromagnetic energy to
25 the probe such as to raise the temperature of the tissue in contact with the probe, measuring

the temperature of the probe, and controlling the delivery of the electromagnetic energy such that the temperature of the probe is maintained at between 100°C and 110°C.

6. A method of forming a lesion in body tissue comprising the steps of providing a probe capable of contacting body tissue to be treated, delivering electromagnetic energy to the probe such as to raise the temperature of the tissue in contact with the probe, measuring the temperature of the probe, and controlling the delivery of the electromagnetic energy such that

- a) in an initial ramp-up phase, the temperature of the probe is raised rapidly to a first threshold temperature,
- 10 b) in a second equilibrating phase, the temperature of the probe is held substantially constant for a period of time to allow the temperature of different parts of the probe to equilibrate, and
- c) in a subsequent treatment phase, the temperature of the probe is raised to a second, higher threshold temperature such that a lesion is formed in the tissue adjacent the probe without the complete removal of electrolytes in the tissue adjacent to the probe through vaporisation.

15 7. A method of forming a lesion in body tissue according to claim 6, wherein the first threshold temperature is between 90°C and 105°C.

8. A method of forming a lesion in body tissue according to claim 7, wherein the first 20 threshold temperature is substantially 100°C.

9. A method of forming a lesion in body tissue according to any of claims 6 to 8, wherein the equilibrating phase takes place for a predetermined period of time.

10. A method of forming a lesion in body tissue according to any of claims 6 to 8, wherein the equilibrating phase takes place until a predetermined time from the start of the 25 ramp-up phase.

11. A method of forming a lesion in body tissue according to any of claims 6 to 10, wherein the second threshold temperature is between 105°C and 115°C.
12. A method of forming a lesion in body tissue according to claim 11 wherein the second threshold temperature is substantially 110°C.
- 5 13. Apparatus for forming a lesion in body tissue, comprising a probing instrument comprising a handpiece and an elongate probe attached to the handpiece, at least a distal part of the probe comprising an electrically conductive electrode and a temperature transducer for generating a temperature signal, a controller connectable to the probing instrument and comprising a signal generator arranged to feed electrical power to the 10 electrode, and a regulator circuit coupled to the signal generator to control the level of electrical power fed to the instrument in response to the temperature signal, wherein the regulator circuit is arranged to regulate the electrical power level such that the temperature of the probe is caused to rise in an initial phase to a treatment temperature in the range of from 100°C to 110°C, and is maintained within that range during a steady state treatment 15 phase.
14. Apparatus according to claim 13, wherein the signal generator generates radio frequency power to be fed to the electrode, and wherein the generator initial phase includes a temperature equalising period in which the power fed to the electrode is regulated to 20 cause the temperature as sensed by the transducer to be held at a first temperature for a period of time and then to rise to the treatment temperature, the first temperature being lower than said treatment temperature.
- 25 15. Apparatus according to claim 13, wherein the probe is shaped to pierce tissue to be treated whereby, in use, the electrode is surrounded by the tissue.

Electrosurgical Method and Apparatus

Abstract

An electrosurgical method and apparatus comprises a probe (10), at least one temperature sensor (46), and a controller (100) for generating and controlling electromagnetic energy supplied to the probe. The controller receives signals from the temperature sensor (46) and controls the supply of electromagnetic energy such that the temperature of the probe is ramped up and then maintained at a steady state temperature of between 100°C and 110°C. In an equilibration phase, between the ramping up and the steady state temperature, the controller (100) holds the temperature of the probe substantially constant for a period of time to allow the temperature of different parts of the probe to equilibrate.

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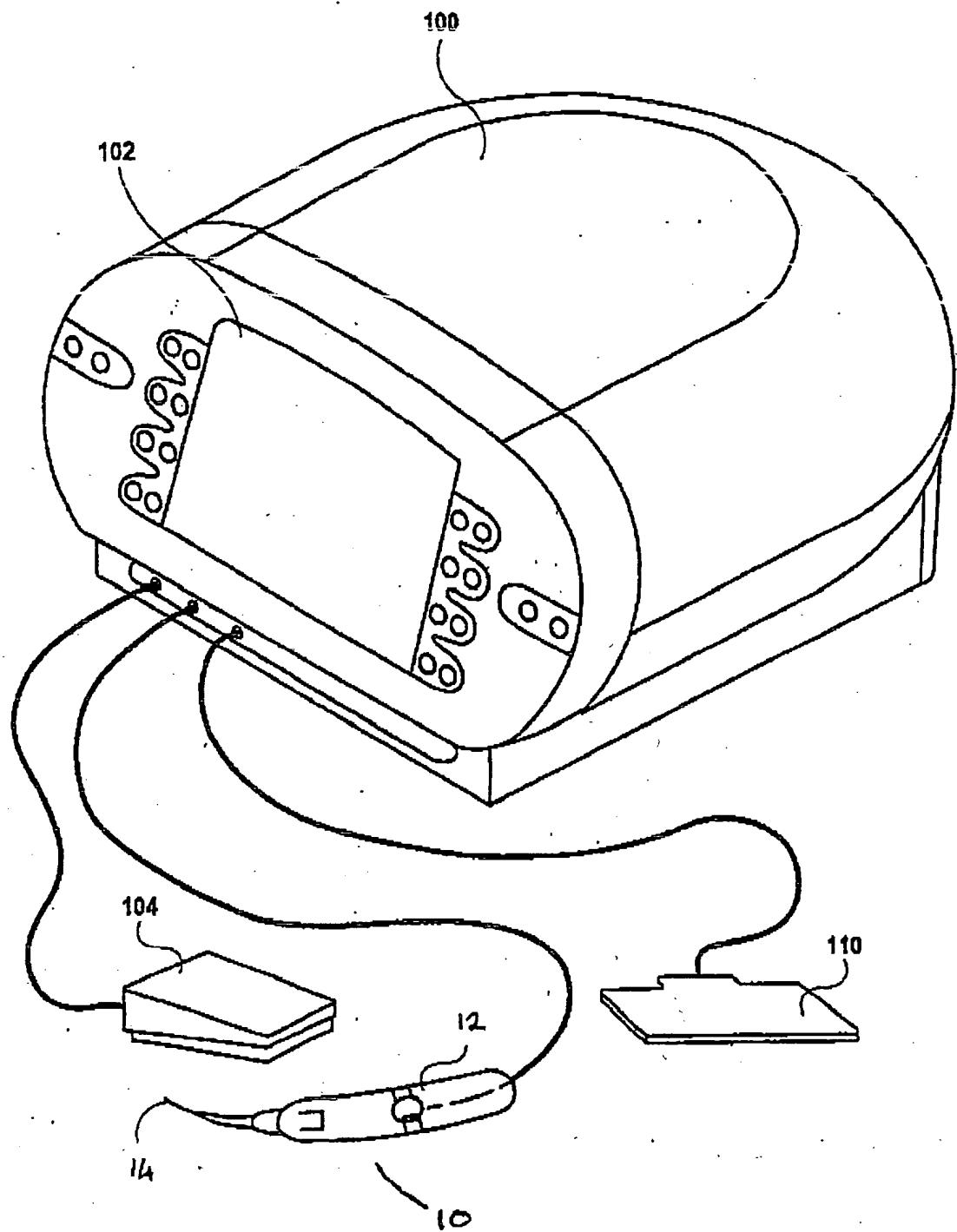
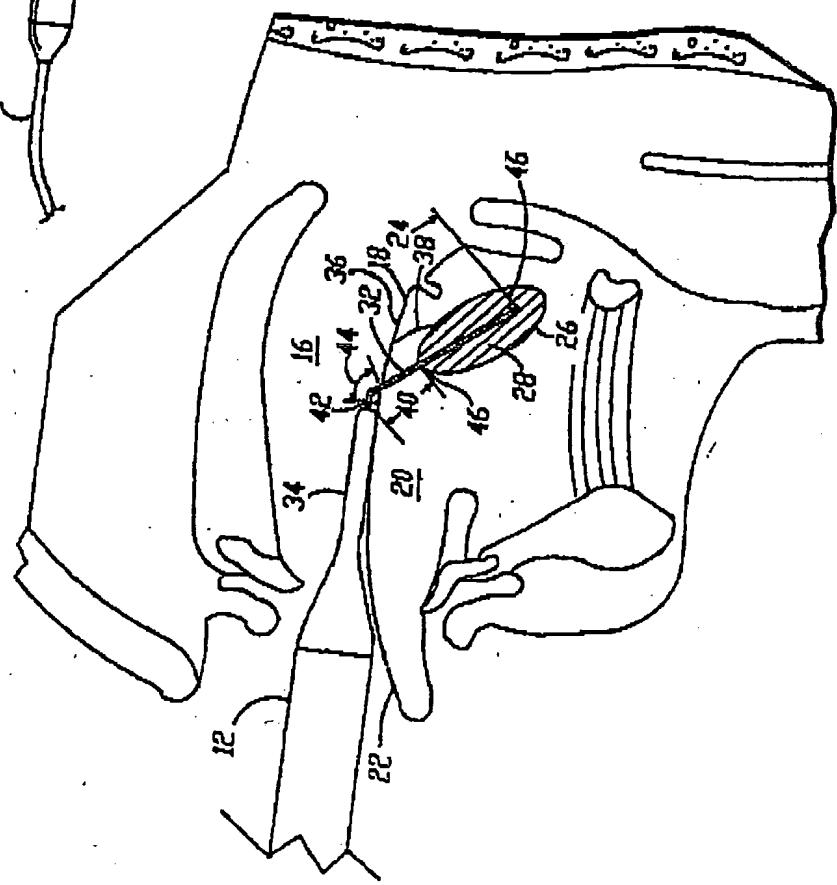
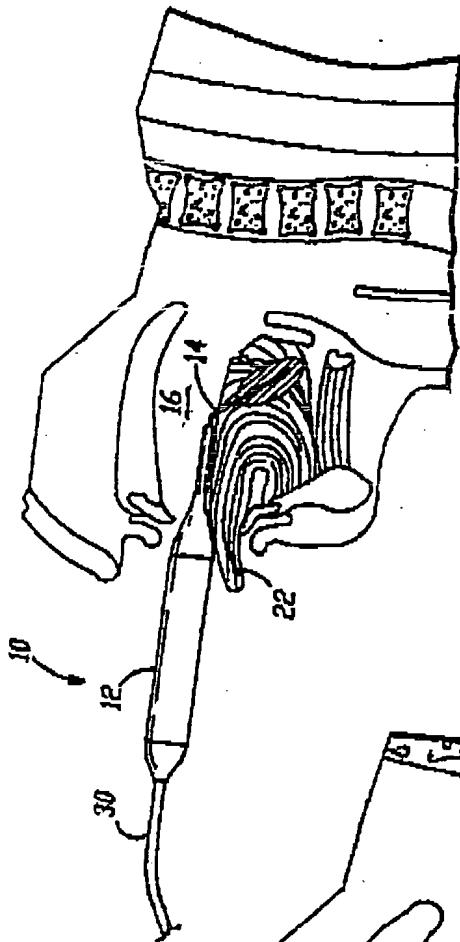


FIG. 1

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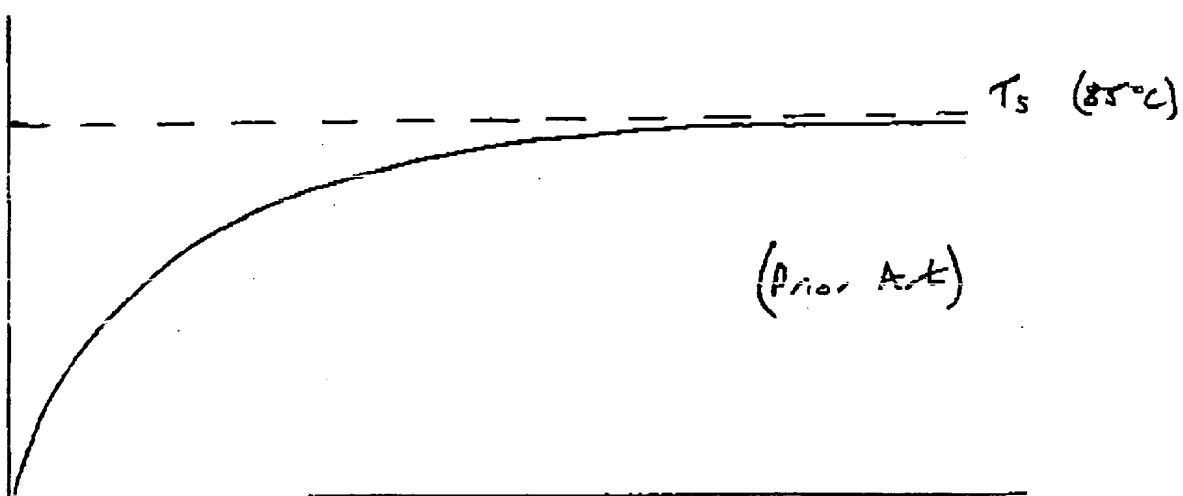


Fig 4

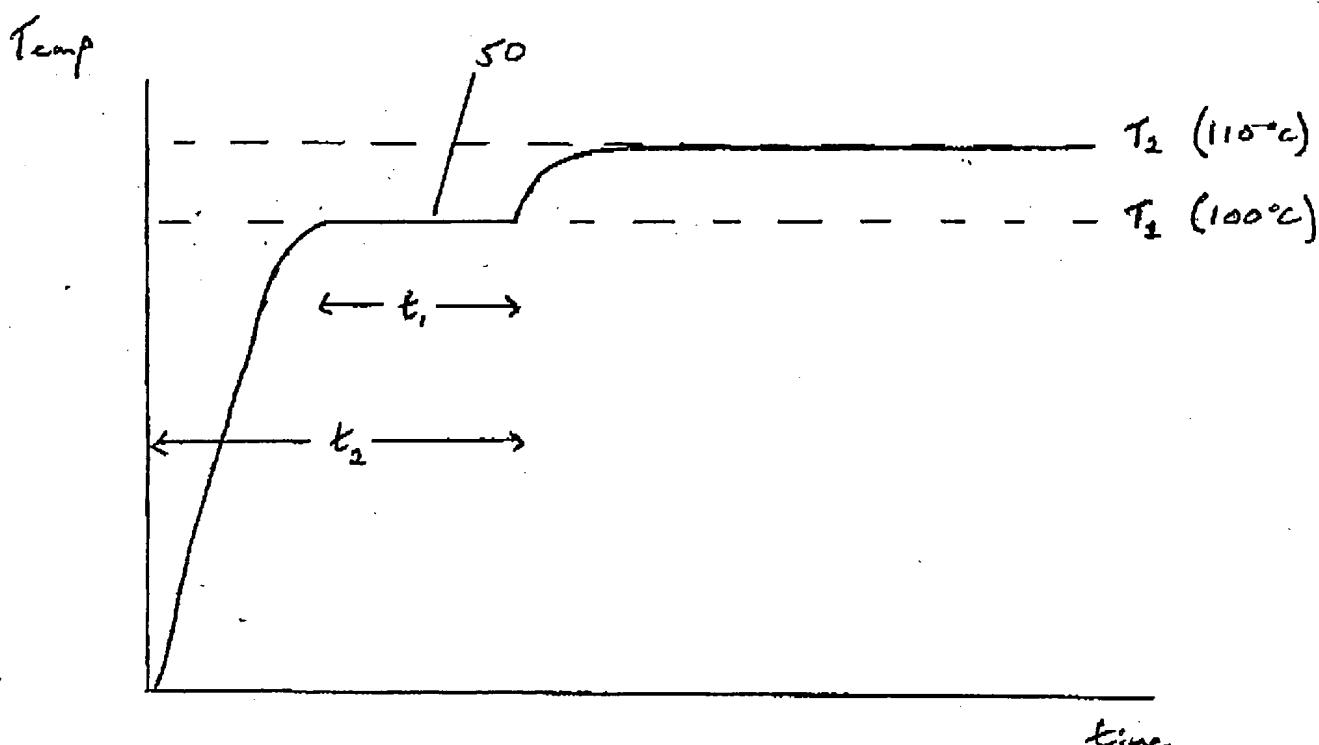


Fig 5

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